



State of New Jersey
BOARD OF PUBLIC UTILITIES
TWO GATEWAY CENTER
NEWARK NJ 07102

RECEIVED

SEP 21 7AM

DONALD T. DiFRANCESCO
Acting Governor

September 20, 2001

CONNIE O. HUGHES
Acting President
Tel: (973) 648-2503
Fax: (973) 648-4195

550811

Ms. Carol Hanlon
United States Department of Energy
Yucca Mountain Site Characterization Office
M/S #025
P.O. Box 30307
North Las Vegas, NV 89036-0307

Re: A Possible Site Recommendation for Yucca Mountain

Dear Ms. Hanlon:

I am responding to Mr. Lake Barrett's letter of August 27, 2001 concerning the Yucca Mountain Preliminary Site Suitability Evaluation (PSSE) and submit the following in response to Federal Register Notice 66 FR 43850-43851.

The New Jersey Board of Public Utilities (NJBP) supports the U.S. Department of Energy's (DOE) efforts to establish a repository for spent nuclear fuel and high-level radioactive waste at the Yucca Mountain site.

The NJBP does not have the in-house technical expertise in the areas of geology, hydrology, seismology and health physics needed to thoroughly evaluate the PSSE and other scientific documents produced by the DOE. However, the NJBP believes that credible comments received regarding the PSSE from the public should be thoroughly and completely addressed by the DOE before the Secretary of the DOE makes his recommendation to the President. Once these comments are addressed, the NJBP does not know of any reason why the President should not conclude that the Yucca Mountain site is qualified for the preparation and submission of a construction license application to the Nuclear Regulatory Commission.

As you may know, the NJBP has in the past joined in legal action with other state commissions (Indiana Michigan Power Co. v. Department of Energy, 88 F.3d 1272 (D.C. Cir. 1996) and Northern States Power Co. v. Department of Energy, 128 F.3d 754 (D.C. 1997)) to force the DOE to meet its statutory obligations under the Nuclear Waste Policy Act of 1982, 42 U.S.C. 10101-10270, (NWP), and begin accepting by January 31, 1998 spent nuclear fuel from civilian reactor

550811

sites. The design, construction and operation of the Yucca Mountain site will allow the DOE to meet this obligation and relieve New Jersey electric ratepayers of the dual burden of paying into the Nuclear Waste Fund as required by the NWPA as well as paying for the construction of Independent Spent Fuel Storage Installations at civilian reactor sites that are necessary to house the overflow amount of spent nuclear fuel. To date, New Jersey ratepayers have contributed hundreds of millions of dollars into the Nuclear Waste Fund without any tangible results.

Therefore, the NJBPU urges the DOE to expedite every step of this process in order for the repository to be opened as soon as possible and the spent nuclear fuel removed from the State of New Jersey.

Sincerely,



Connie O. Hughes
Acting President